

E-FILED on 3/31/06

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MARY BONILLA,

Plaintiff,

v.

STAR ONE CREDIT UNION, and DOES 1  
THROUGH 20,

Defendants.

No. C-06-00910 RMW

ORDER CONTINUING HEARINGS ON  
DEFENDANT'S MOTION TO DISMISS &  
PLAINTIFF'S MOTION TO REMAND

[Re Docket No. 10]

Plaintiff Mary Bonilla initially filed this action in the Santa Clara County Superior Court. The enumerated causes of action are all based on California law, though the complaint does refer to "the federal FMLA." Defendant Star One Credit Union removed the case, claiming that it "is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. section 1441(b) in that it arises under federal Family and Medical Leave Act of 1993, 29 U.S.C.A. 2601 et. seq." Notice of Removal ¶ 1. Defendant then moved to dismiss; that motion is currently set for hearing on April 7, 2006. Plaintiff subsequently moved to remand, calendaring her motion for April 21, 2006—a date on which this court is unavailable. Plaintiff then filed an *ex parte* application to continue the hearing on the motion to dismiss to April 21, 2006.

1 Although plaintiff has not complied with the requirements of the Civil Local Rules—notably  
2 Civil L.R. 6-3(a)(2)—judicial economy dictates that this court rule on plaintiff's motion to remand  
3 before it decides defendant's motion to dismiss. Plaintiff's motion to remand and defendant's motion  
4 to dismiss are therefore set for hearing at 9 a.m. on April 28, 2006.

5  
6  
7 DATED: 3/30/06

/s/ Ronald M. Whyte  
RONALD M. WHYTE  
United States District Judge

1 **Notice of this document has been electronically sent to:**

2 **Counsel for Plaintiffs:**

3 Stanley G. Hilton FROG727@AOL.COM

4 **Counsel for Defendants:**

5 Ann Kathleen Smith aks@aalrr.com  
6 Paul S. Fleck

7 Counsel are responsible for distributing copies of this document to co-counsel that have not  
8 registered for e-filing under the court's CM/ECF program.

9  
10 **Dated:** 3/31/06 /s/ JH  
11 **Chambers of Judge Whyte**